

## AN ACT

ENTITLED, An Act to authorize sanctions for inmate abuse of the court system and to require inmate financial responsibility for costs incurred from the court actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of corrections shall develop department rules which allow an inmate to be sanctioned pursuant to §§ 24-2-9 and 24-15A-4 for each instance that a court finds that the inmate has done any of the following while in the custody of the Department of Corrections:

- (1) Filed a false, frivolous, or malicious action or claim with the court;
- (2) Brought an action or claim with the court solely or primarily for delay or harassment;
- (3) Unreasonably expanded or delayed a judicial proceeding;
- (4) Testified falsely or otherwise submitted false evidence or information to the court;
- (5) Attempted to create or obtain a false affidavit, testimony, or evidence; or
- (6) Abused the discovery process in any judicial action or proceeding.

The violation of such rules may be considered in parole release decisions pursuant to subdivision 24-13-7(6) and shall be considered in determining substantive compliance or noncompliance with the inmate's individual program directive pursuant to §§ 24-15A-35 and 24-15A-39.

Section 2. That chapter 15-17 be amended by adding thereto a NEW SECTION to read as follows:

If a court finds that an inmate has acted in a manner specified by the provisions of section 1 of this Act, the court shall order the inmate plaintiff to pay the costs incurred by the person or the state in defending the cause of action, including reasonable attorney's fees.

Section 3. That § 24-2-29 be amended to read as follows:

24-2-29. An inmate is liable for court ordered fines, costs, fees, sanctions, and restitution and any obligation incurred while under the jurisdiction of the Department of Corrections including those

outlined in §§ 24-2-28, 24-7-3, 24-8-9, and 24-11A-19, and any other charge owed to the State. Disbursement shall be made from an inmate's institutional account to defray the inmate's obligation, regardless of the source of the inmate's funds, including moneys in the inmate's institutional account pursuant to § 24-2-5, and wages earned by the inmate pursuant to §§ 24-4-9, 24-7-3(3), 24-7-6, 24-8-8, and 24-11A-20.

Section 4. If a court finds that an adult inmate or prisoner has acted in a manner specified by the provisions of section 1 of this Act in a county or regional jail, the court shall order the inmate or prisoner plaintiff to pay the costs incurred by the person or the county in defending the cause of action, including reasonable attorney's fees.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1164

\_\_\_\_\_  
Chief Clerk  
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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1164  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State